

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 36252

STATE OF IDAHO,)	2009 Unpublished Opinion No. 646
)	
Plaintiff-Respondent,)	Filed: October 21, 2009
)	
v.)	Stephen W. Kenyon, Clerk
)	
RODERICK JAY BROWN,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Michael E. Wetherell, District Judge.

Judgment of conviction and unified sentence of ten years, with a minimum period of confinement of three years, for felony operating a motor vehicle while under the influence of alcohol, affirmed.

Dennis A. Benjamin of Nevin, Benjamin, McKay & Bartlett, LLP, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

Before LANSING, Chief Judge, GUTIERREZ, Judge
and MELANSON, Judge

PER CURIAM

Roderick Jay Brown was convicted of felony operating a motor vehicle while under the influence of alcohol, Idaho Code §§ 18-8004, 18-8005(7). The district court imposed a unified sentence of ten years, with a minimum period of confinement of three years. Brown appeals, contending that the sentence is excessive.

Sentencing is a matter for the trial court's discretion. Both our standard of review and the factors to be considered in evaluating the reasonableness of a sentence are well established and need not be repeated here. *See State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App.

1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 726, 170 P.3d 387, 391 (2007). Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion.

Therefore, Brown's judgment of conviction and sentence are affirmed.